

**AGREEMENT BETWEEN THE PORT GAMBLE S'KLALLAM TRIBE  
AND  
REGION 5 DIVISION OF CHILDREN AND FAMILY SERVICES (DCFS)**

**The Port Gamble S'Klallam Tribe has exclusive jurisdiction over all minor children under the age of 18 residing within the boundaries of the Reservation and children who are enrolled members or eligible for enrollment in the Port Gamble S'Klallam Tribe residing outside of reservation boundaries.**

**Statement of Purpose**

DCFS and Port Gamble S'Klallam Tribe are committed to a mutually supportive working relationship. We both are committed to protecting Native American children and keeping the children with their families whenever possible. An ongoing effort will be made to comply with the requirements of the Federal Indian Child Welfare Act, which became law in 1978. The State and the Tribe have worked progressively towards a strong, trusting relationship. We agree to continue these strides. DCFS acknowledges Exclusive Tribal jurisdiction and Tribe's deep interest in the well being of their children. We will maintain a cooperative effort in providing services. Out of this commitment, there is an understanding that controversy will be resolved at local levels first promptly engaging the parties involved. DCFS recognizes the Port Gamble S'Klallam Tribes sovereignty and its right to have its needs addressed at any level of the Department or government that it feels is appropriate. We make a commitment to open communication and sharing of information.

**Child Abuse and Neglect**

- 1.** DCFS Intake will notify the Port Gamble S'Klallam ICW Program within 24 hours whenever DCFS receives a referral of child abuse and neglect involving the Port Gamble S'Klallam Tribal community. Intake will FAX a copy of the referral to the Tribe and follow-up with a phone call to confirm that the Tribe has the referral.
  - For all children living within the boundary of the Port Gamble S'Klallam reservation, the Port Gamble Tribe ICW Program will investigate the referral unless the Tribe makes a formal written request that DCFS investigate the referral.
  - For children who are Port Gamble S'Klallam members or eligible for membership residing outside the reservation, the Port Gamble S'Klallam Tribe ICW Program will investigate referrals of child abuse and neglect unless the Tribe makes a formal written request to DCFS for investigation.

2. When a hospital, agency or person makes a referral on a Port Gamble S'Klallam child or pregnant woman to CPS, CPS will notify the Tribe within 24 hours. CPS will inform the hospital that the Tribe has exclusive jurisdiction and request the hospital or any person to work directly with the Tribe.
3. DCFS will provide all referrals, whether or not they are screened in, to Port Gamble S'Klallam ICW.
4. In emergency situations DCFS will call 911 and contact the tribal police. Where the health and safety of a child is in jeopardy and DCFS has not been able to contact Tribal ICW or Port Gamble S'Klallam Police after reasonable efforts, DCFS will provide CPS services. DCFS will continue diligent efforts to notify the Tribe, in no case later than the next business day.
5. The Port Gamble S'Klallam Tribe will investigate CPS allegations and proceed with appropriate case planning. DCFS will not assign cases to DCFS CPS workers where the Tribe has jurisdiction.
6. Children under the Tribe's jurisdiction are protected under the Child in Need of Care provisions of the Port Gamble S'Klallam Family Code and under the criminal laws of the Tribe. Tribal ICW and Tribal Law Enforcement work cooperatively to protect the Tribe's children. Court cases for the protection of children and for the prosecution of perpetrators are heard in the Port Gamble S'Klallam Community Court.
7. DCFS will give Tribal court orders full faith and credit acknowledging the Tribal court as the court of authority.
8. In the event that DCFS files a dependency petition on a child who may be a member or be eligible for membership in the Port Gamble S'Klallam Tribe, DCFS will notify the Port Gamble S'Klallam ICW Program and abide by the Tribe's jurisdiction decision and planning. Port Gamble S'Klallam will determine membership and eligibility for membership.
9. Prior to a DCFS social worker coming to the Port Gamble S'Klallam Reservation, he/she will make a courtesy telephone call to Port Gamble S'Klallam ICW office to inform the Tribe of his/her presence and the purpose of the visit. The DCFS social worker will ensure Port Gamble S'Klallam ICW has the opportunity to be present at the visit in the home of their member on Tribal Reservation. This would include CPS investigations, visits to Tribal foster homes, and collateral contacts.

## **Services for Port Gamble S'Klallam Children and Youth**

The Port Gamble S'Klallam Tribe has exclusive jurisdiction over all minor children under the age of 18 residing within the boundaries of the Reservation and children who are enrolled members or eligible for enrollment residing outside of the reservation.

1. Children served by the Port Gamble S'Klallam ICW Program are eligible for services funded and contracted by DCFS. Eligibility for these services are consistent with eligibility criteria used for children served by DCFS. The services include but are not limited to Homebased Services, Family Preservation Services, Intensive Family Preservation Services, foster care, Crisis Residential Center, Secured Crisis Residential Center, Behavioral Rehabilitation Services, Sexually Aggressive Youth funds, child day care, Medicaid Treatment Child Care, and Independent Living Skills Program.
2. When the Tribe requests DCFS services for children and youth being served by the Port Gamble S'Klallam ICW Program, DCFS will:
  - Assign the case to a specific DCFS social worker
  - If the tribe objects to a specific worker assignment, DCFS will re-assign the case
  - Maintain a file in DCFS consisting of referral information, the Tribal case plan, court documents, and payment information.
  - Process payments and requests for services in a timely manner.
  - At the request of the Tribe, pursue intensive services for the child using established procedures for DCFS cases such as exceptional cost staffings.
  - Contact the Port Gamble S'Klallam ICW Program a minimum of once every 90 days to verify receipt of payment and case status. DCFS will record this contact in the Service Episode Record in CAMIS.
3. The Port Gamble S'Klallam Tribe will contact CPS intake at 1-800-562-5624 for requests for emergency services and for services for children who do not have a designated DCFS social worker.
4. DCFS will make the After Hours Unit available for Tribal requests which occur outside of normal business hours.
5. The Port Gamble S'Klallam Tribe ICW Program social worker will complete 90 day health and safety reviews in foster homes for children receiving services through the Tribe. DCFS will not complete 90 day health and safety reviews for children in foster care receiving services through the Port Gamble S'Klallam ICW Program.
6. DCFS will respond to Tribal requests promptly. DCFS will designate one social worker to be a liaison with the Tribe for children under the age of 12 and another

social worker to be the liaison with Tribe for youth aged 12 and older. DCFS will provide the Tribe with a list of staff and their telephone numbers.

7. The Tribe may consult with the designated DCFS liaison to clarify eligibility criteria for services, expedite the service, and verify payment.
8. For adolescent services requiring administrative approval, the DCFS liaison will offer to meet with the Tribe and assist the Tribe in preparing the necessary documentation to request approval. The adolescent liaison for adolescent services will invite the Tribal social worker to attend approval staffings (the Resource Intensive Services Committee or the Sexually Aggressive Youth Committee). The intensive services, which require administrative approval, include Behavior Rehabilitation Service, exceptional foster care, specialized teen mother programs, and services for sexually aggressive youth.
9. The Tribe may appeal recommendations of the staffing approval committees to the Area Administrator.
10. DCFS will support placement of Tribal youth who are runaway status and pickup up by the Tribal Police or any other law enforcement officer, into Secured Crisis Residential Center. The placement in the Secured CRC is limited to five days.
11. DCFS will support placement of Tribal youth for youth in conflict with their parents in into Semi-Secured Crisis Residential Center through the social worker designated as the liaison for adolescent services.
12. The assigned DCFS social worker shall make the Independent Living Skills Program available to any eligible youth.

### **Collaborative Services**

1. DCFS will notify the Tribe of relevant training opportunities for Tribal staff and clarify whether mileage can be reimbursed for training.
2. The Tribe will designate at least one representative from the Tribe to be a member of the Local Indian Child Welfare Advisory Committee (LICWAC).
3. The Tribe will provide technical assistance and consultation on Native American cases as requested by DCFS.
4. The Tribe will participate in the periodic training about Indian Child Welfare and the ICW Services Manual for DCFS as time allows.

5. DCFS and Port Gamble S’Klallam Tribe agree to work cooperatively to explore and enhance services to Tribal members. The Tribal and State partnership will continue to expand appropriate services as proposed in the 7.01 Plan.

**Modification of Agreement**

This is a working document and may be modified at any time at the request of either party.

\_\_\_\_\_  
Port Gamble S’Klallam Tribe

\_\_\_\_\_  
DCFS Regional Administrator

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date